



Requirements for the Use of Unmanned Aircraft Systems (UAS) When Filming on State Property

August 29, 2016

Today, the FAA's permanent regulations for the commercial operation of small Unmanned Aircraft Systems (sUAS) in the National Airspace go into effect. These new regulations provide guidance for conducting sUAS operations in accordance with Title 14 of the Code of Federal Regulations (14 CFR) **Part 107**.

Among other requirements, UAS operators flying drones under Part 107 must possess a Remote Pilot Airman Certificate. Due to the anticipated volume of applications, the process to obtain a Remote Pilot Certificate may take several months (especially for those who don't already have a Part 61 pilot certificate). In addition, Part 107 requires a waiver to fly over people, and the process to obtain a waiver could take as long as 90 days. Therefore, **for the time being, the California Film Commission will only issue film permits with drone activities over state property to applicants using FAA 333-exempted operators.** Until further notice, the guidelines listed below are still in effect.

Please note that those drone operators who have been working under FAA 333 exemptions may continue to do so, as a 333 exemption remains valid until it expires. Be aware however, that an exempted operator may not "mix and match" the conditions and limitations in a Section 333 exemption with the operating rules of Part 107.

In order to obtain a Part 107 Remote Pilot Airman Certificate, those (who do not already hold a Part 61 pilot certificate) must pass an initial aeronautical test at an FAA-approved knowledge testing center and be vetted by the TSA. Those with a Part 61 pilot certificate must have successfully completed a flight review within the previous 24 months and complete a Part 107 online training course.

The following are links to the new regulations, a summary of Part 107 rules, information on how one obtains a Remote Pilot Airman Certificate and applies for a waiver as well as an FAA fact sheet:

- [Complete Text of Part 107 Rule](#)
- [Summary of Part 107 Rule](#)
- [Becoming Remote Pilot Airman Certificate](#)
- [Applying for a Waiver](#)
- [FAA Fact Sheet](#)

PLEASE NOTE that requests for drone activity over State Parks & Beaches and Caltrans properties will continue to be evaluated on a case-by-case basis.

Also note that while the FAA controls U.S. airspace, individual jurisdictions (states, counties, cities) may regulate take-offs and landings within their jurisdictions. Additionally, the FAA does not regulate the use of UAS indoors (on a stage, in a building or other enclosed areas), and indoor drone activity will require other applicable approvals.

If you have any questions about the use of drones when filming on state property, contact CFC Deputy Director Eve Honthaner at 323-860-2960, ext. 136 or ehonthaner@film.ca.gov

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In order for a production to be considered for a permit involving a UAS, the following documentation is required:

1. Proof that the production is using a UAS operator who has received an FAA 333 exemption. The exemption must be for motion picture, television and new media filming and/or aerial cinematography – as long as it's for commercial filming and not aerial surveillance of pipelines, crops, real estate, etc.

2. A copy of the operator's *Certificate of Authorization* (COA).

NOTE: UAS operators had originally been required to apply for and receive a COA for each particular block of airspace (location), but the FAA has recently streamlined their process, and now exempted operators are being granted **blanket COAs** for flights at or below 200 feet, as long as they're not flying in the vicinity of airports or in other restricted airspace.

3. A copy of the operator's written Plan of Activities (POA).

4. Proof of insurance coverage as follows:

As the CFC website details "Insurance Requirements for Filming", a production entity that wishes to film on state property must provide the CFC with a certificate of insurance evidencing coverage of General Liability, Workers Compensation and Automobile Liability (go to: <http://film.ca.gov/res/docs/CFC%20Insurance%20Requirements%20REV%206-30-16.pdf> for specified limits and coverage requirements).

If the production's proposed activities include the use of a drone, **additional aerial coverage must be provided by the UAS operator**. The additional requirements are to provide:

1. Proof of Unmanned Aircraft Systems (UAS) coverage (listing the specific aircraft to be used) with a **limit of at least \$2,000,000**. This can be submitted in one of two ways:
 - a. If UAS coverage is being added to a general liability policy, there must be a **separate endorsement** showing proof of UAS coverage.
 - b. If the coverage is coming from an *aviation-specific* insurance carrier (such as Global Aerospace), a separate policy endorsement is **not** necessary, as the entire policy represents the UAS coverage.
2. A separate endorsement naming the State of California, its officers, agents and employees as Additional Insured.

Please note that all **separate endorsements** must be submitted as **separate attachments** (not included in the body of the certificate of insurance).

IMPORTANT NOTES

- State Parks and Caltrans is evaluating requests for the use of UAS on a case-by-case basis.
- Other state agency partners may have their own requirements regarding the use of UAS on their properties. Please check with all relevant agencies or with the CFC before submitting your permit application.
- UAS operators must have all pertinent documentation **on set with them at all times**. This includes their Certificate of Authorization (COA), Plan of Activities (POA), pilot certificate and third-class medical certificate.
- The use of a UAS is permitted only when all qualifications have been met, all necessary approvals have been obtained, and use of a UAS is noted on the production's permit. If a production is found to be operating a UAS without the proper permit, an FAA Administrator, the assigned Fire Safety Officer or law enforcement official may immediately suspend the UAS activities and/or the production may be subject to a fine.
- The use of a UAS as a **PROP** (that is being flown) is subject to the same regulations as those used for filming.
- The FAA does not regulate the use of UAS indoors (their jurisdiction covers U.S. airspace, not under the roofs of private structures). Be advised that approval for the use of UAS in a stage or building may fall under the authority of other jurisdictions. Also note that when interior filming is involved, the CFC recommends that UAS be flown by FAA-exempted operators.
- The City of Los Angeles is currently working on a local ordinance regarding the use of UAS, and the LAPD is developing their own municipal code pertaining to the use of UAS.
- On October 9, 2015, Contract Services Administration Trust Fund issued Safety Bulletin #36, "Recommended Guidelines for Safely Working Around Unmanned Aircraft Systems" and its Addendum A, "Unmanned Aircraft Systems Exemption Summary". It's posted on the csatf.org website, but you can access both by clicking on these links: <http://www.csatf.org/pdf/36UAS.pdf> and http://www.csatf.org/pdf/36ADDENDUM_A.pdf. A copy of the safety bulletin should be attached to your call sheet on days when a UAS is being used.
- Please be aware that new regulations for the commercial use of small UAS have been introduced by the FAA. These laws, if passed, would supersede current guidelines. The FAA anticipates that it will be 12-18 months before any new rules would take effect. In the meantime, an overview the proposed new rules can be found at: http://www.faa.gov/regulations_policies/rulemaking/media/021515_sUAS_Summary.pdf. The public may submit comments on the proposed regulations until April 24, 2015.

The following are 15 of the most pertinent TERMS & CONDITIONS (to those on-set) required of (FAA-exempted) UAS operators.

1. The UAS must weigh less than 55 pounds, including energy source(s) and equipment.
2. The UAS may not be flown at a speed exceeding a ground speed of 50 knots.
3. Flights must be operated at an altitude of no more than 400 feet above ground level (AGL).
4. The UAS must be operated within visual line of sight (VLOS) of the pilot in command at all times.
5. All operations must utilize a visual observer (VO).
6. The pilot must possess at least a private pilot certificate and at least a current third-class medical certificate.
7. The UAS may not be operated directly over any person, except authorized and consenting production personnel, below an altitude that is hazardous to persons or property on the surface in the event of a UAS failure or emergency.
8. Regarding the distance from participating persons, the operator's manual has safety mitigations for authorized and consenting production personnel. At all times, those persons must be essential to the closed-set film operations. Because these procedures are specific to participating persons, no further Flight Standards District Office or Aviation Safety Inspector approval is necessary for reductions to the distances specified in the petitioner's manuals.
9. Regarding distance from non-participating persons, the operator must ensure that no persons are allowed within 500 feet of the area except those consenting to be involved and necessary for the filming production. This provision may be reduced to no less than 200 feet if it would not adversely affect safety and the FAA Administrator has approved it. For example, an equivalent level of safety may be determined by an aviation safety inspector's evaluation of the filming production area to note terrain features, obstructions, buildings, safety barriers, etc. Such barriers may protect non-participating persons (observers, the public, news media, etc.) from debris in the event of an accident.
10. The operator must obtain an Air Traffic Organization issued Certificate of Waiver or Authorization prior to conducting any operations under this grant of exemption. This Certificate of Authorization will also require the operator to request a *Notice to Airman* not more than 72 hours in advance, but not less than 48 hours prior to the operation.
11. At least three days before scheduled filming, the operator of the UAS affected by this exemption must submit a written *Plan of Activities* to the local Flight Standards District Office with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the Flight Standards District Office. The plan of activities must include at least the following:
 - Dates and times for all flights

- Name and phone number of the operator for the UAS filming production conducted under this grant of exemption
- Name and phone number of the person responsible for the on-scene operation of the UAS
- Make, model and serial or N-number of UAS to be used
- Name and certificate number of UAS pilots involved in the filming production event
- A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request.
- Signature of exemption-holder or representative
- A description of the flight activity, including maps or diagrams of any area, city, town, county and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.

12. UAS operations may not be conducted at night.

13. The UAS cannot be operated by the pilot from any moving device or vehicle.

14. The UAS may not operate in Class B, C, or D airspace without written approval from the FAA. The UAS may not operate within 5 nautical miles of the geographic center of a non-towered airport as denoted on a current FAA-published aeronautical chart unless a letter of agreement with that airport's management is obtained, and the operation is conducted in accordance with a *Notice to Airman* as required by the operator's Certificate of Authorization. The letter of agreement with the airport management must be made available to the Administrator upon request.

15. The documents required under 14 CFR § 91.9 and § 91.203 must be available to the pilot at the ground control station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.

GUIDELINES FOR THE USE OF UAS OVER CALTRANS PROPERTY

Submissions for permits that include the use of UAS over Caltrans property will now be reviewed on a case-by-case basis. Caltrans guidelines for the use of a UAS are as follows:

- Use of a UAS will be treated as a complex shoot and as any freeway closure. There could therefore be up to a 15- (business) day approval process. If, however, all required documents are submitted in a timely manner and Caltrans is satisfied with the plan of activities, the turnaround time could be as short as seven (7) business days. Depending on the requirements, at least one meeting with Caltrans, CHP, CFC and other affected entities would be required to discuss logistics.
- Until further notice, drone operators retained by productions must possess FAA 333 exemptions.
- Insurance requirements will be consistent with State guidelines (see above to review insurance requirements.)
- Requests for the use of UAS over Caltrans property will not be considered without the submission of a Plan of Activities (POA).
- UAS operators must adhere to all current and future FAA mandated rules with regard to distances from airports, military installations and any person(s) or property.

- It is the responsibility of the permittee to obtain all necessary jurisdictional approvals and to submit a POA and proof of required insurance coverage within a timely manner.

If approved:

- The radius constituting the mandatory closed set must include 500-feet *beyond* any point of the roadway.
- UAS pilots (with the approval of Caltrans) may decrease the perimeter of the closed set if barriers or structures are present that would sufficiently protect nonparticipating persons from the UAS and/or debris in the event of an accident. Please note however that permission to reduce the perimeter must also be granted by Caltrans.
- ITC or closures will be enforced from both directions, creating full closures on both sides of the freeway/road. Please note that ITC shall be performed on conventional highways only, and filming with a UAS must occur within 3- to 5-minute ITC windows. UAS filming on freeways is restricted to the ends of freeways where full freeway closures are feasible and adequate detours are available.
- No driving with the flow of traffic will be allowed when a UAS is involved.
- Productions must work with all applicable city jurisdictions to facilitate the closing of all relevant over-crossings and under-crossings during filming with a UAS.
- If the road to be closed for UAS filming is adjacent to a beach or park, permission must also be granted from the Park's film liaison.
- Caltrans has the right to assign a monitor to be on-set during UAS flights over Caltrans freeways, highways and roads.

For more information on the FAA and UAS, go to: <http://www.faa.gov/uas/>